

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Numbering Resource Optimization

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CC Docket No. 99-200

**COMMENTS OF THE
NEW JERSEY BOARD OF PUBLIC UTILITIES**

I. Introduction

The New Jersey Board of Public Utilities ("Board") hereby submits the following comments in response to the Federal Communications Commission's ("FCC" or "Commission") Order and Fifth Further Notice of Proposed Rulemaking ("FNPRM") adopted on February 17, 2006 in the above referenced docket.

In the Order that accompanied this FNPRM, the FCC granted the petitions of several state commissions requesting authority to implement mandatory thousands-block number pooling in certain area codes where pooling is optional. In that Order, the FCC recognized the "invaluable role of the state commissions in number administration and optimization."

In the FNPRM, the FCC now seeks comment on whether to extend mandatory thousands-block number pooling by giving states the delegated authority to implement mandatory thousands-block number pooling at their discretion. The Board welcomes this proposed rulemaking and joins with the other requesting states in attesting that mandatory thousands-block number pooling can extend the life of area codes more effectively than optional pooling requirements. The Board urges the FCC to extend mandatory thousands-block number pooling to be implemented at the discretion of the states.

II. Comments

In its *First Report and Order* issued in 2000, the FCC determined that thousands-block number pooling was essential to extending the life of the North American Numbering Plan ("NANP").¹ The FCC therefore adopted thousands-block number pooling as the remedy to the prevailing inefficient allocation of numbering resources and determined to implement mandatory thousands-block number pooling in the top 100 Metropolitan Statistical Areas ("MSAs"). State commissions were allowed to continue to implement thousands-block number pooling pursuant to delegated authority. The FCC agreed to continue to consider state petitions for delegated authority for pooling on a case-by-case basis, provided they met certain criteria. First, the area code where pooling would be implemented must be in jeopardy of exhaust. Second, the area code in question must have a remaining life span of at least one year. Third, the area code must be located in one of the largest 100 MSAs, or alternatively, the majority of carriers in the area to be pooled are local number portability ("LNP") capable.

The FCC commenced its national rollout of thousands-block number pooling on March 15, 2002, which required all carriers operating within the 100 largest MSAs to participate in thousands-block number pooling in accordance with the national rollout schedule.² The FCC mandated that all carriers who were required to participate in pooling had to obtain their numbering resources from the national thousands-block number Pooling Administrator responsible for administering numbers in thousands-blocks, and were no longer permitted to request larger quantities from the traditional provider, the North American Numbering Plan Administrator ("NANPA").

With the completion of the implementation of mandatory thousands-block pooling in the top 100 MSAs, the Board contends that the time is now ripe for the FCC to extend mandatory pooling by delegating authority to the states. Pooling has proven to be the most efficient way of administering numbering resources in today's more competitive marketplace. The Board concurs with the observations of several commenters on the petitions that allowing states to implement mandatory thousands-block number pooling at their discretion will undoubtedly assist them in delaying the need for area code relief. Moreover, the Board is not aware of the existence of any technical barriers to pooling which could preclude its use by all carriers today.

The Board maintains that extending mandatory thousands-block number pooling by delegating authority to states on a case-by-case basis is no longer efficient.

¹ *Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574 (2000) ("First Report and Order").

² *Numbering Resource Optimization, CC Docket No. 99-200, Order*, 17 FCC Rcd 7347. (2002) ("Pooling Rollout Order")

We would therefore recommend against the FCC continuing this practice. In addition to being a time consuming process which drains valuable resources from both state commissions and the FCC, the process is also problematic due to the fact that it is subject to uncertain results.

The criteria which have previously been used by the FCC in determining the petitions by state commissions are no longer functional. The FCC acknowledged in its Order approving the petitions preceding the FNPRM that the first prong of the criteria, which requires the area code where pooling would be implemented be in jeopardy of exhaust, was not strictly met by all petitioners. This is clearly indicative of the fact that it is no longer necessary to wait for imminent exhaust before extending mandatory thousands-block number pooling in today's more competitive environment. Additionally, the FCC found in the Order that the third prong of the criteria, requiring the area code to be located in one of the largest 100 MSAs or that the majority of wireline carriers in the area code are LNP-capable, was no longer relevant. Removing the case-by-case review would effectively delegate the authority to states to implement mandatory thousands-block number pooling as a resource optimization measure and prior to jeopardy of full exhaust of number reserves, and provide additional assurance of extending the life of the area codes without affecting service providers' ability to access sufficient numbering resources.

Use of number pooling as a resource optimization measure has already significantly contributed to extending the life of area codes in New Jersey. Ongoing reviews of Numbering Resource Utilizations/Forecast ("NRUF") reporting by Board Staff and pooling activity with the participation of service providers has resulted in additional assurances that number supplies are available when and where needed. It is noted that two of the state's area codes, the 609 and 908 numbering plan areas, were initially projected to exhaust early in 2003. The lives of these area codes have been extended by using optimization efforts as a major contributing factor. The 609 numbering plan area is now projected to last until the year 2009, and the 908 numbering plan is now projected to last until the year 2011. In addition, the 856 area code was initially projected to exhaust in the year 2009, and although the 856 area code is a developing area, number supplies are now projected to last until 2015 due to number pooling efforts.

The Board also concurs with the comments of other states acknowledged by the FCC that mandatory number pooling can extend the life of area codes more effectively than optional pooling requirements. Currently in New Jersey there are 20 rate centers where pooling is optional. These rate centers are not a part of the top 100 MSAs, and therefore, were not required to implement mandatory thousands-block pooling pursuant to the FCC's *Number Pooling Order* in 2002. The areas where pooling is still optional are located in essential areas of the State in Mercer, Atlantic, Cape May and Cumberland counties, which comprise

the Trenton-Ewing MSA, the location of the State capitol, as well as major tourism areas in the Atlantic City MSA, the Vineland-Millville-Bridgeton MSA, and the Ocean City, NJ MSA. Currently in order to require mandatory thousands-block number pooling in these areas, the Board would be required to file and petition the FCC to obtain delegated authority, a time consuming process with uncertain results.

Further, the rate centers referenced above are served by area codes that also serve rate centers where thousands-block number pooling is mandatory. Therefore, demand increases would also reduce the supply available to the mandatory thousands-block number pools. If carriers opted not to pool, it would result in a shift of larger quantities of number supplies being used from areas of greater population density where pooling is mandatory to the other areas where it is optional. Furthermore, although existing carriers are currently pooling in these rate centers voluntarily, these existing carriers, as well as new carriers, may elect not to pool in the future. If this happens and area code exhaust becomes imminent, per the current rules, delegated authority to mandate thousands-block number pooling could not be used as a means to avoid the addition of another area code. This is of particular concern because according to the NANPA, the 609 numbering plan area is projected to exhaust in 2009. As a result, the Board has only a three year window of opportunity to optimize remaining reserves. Extending mandatory pooling to the optional areas is an important factor in this effort.

To qualify for delegated authority under the existing rules, exhaust of the numbering resources must be imminent, while supplies must be sufficient to cover at least one year of demand. These criteria could require the Board to order rationing or implement a new area code earlier than necessary despite efforts to pool resources. In the areas cited above where pooling is optional, carriers are permitted to request telephone numbers directly from the NANPA, instead of the national thousands-block number Pooling Administrator. Since the NANPA assigns numbers in larger quantities, demand changes in these areas could result in a more accelerated exhaust of existing area codes. The costs of premature exhaust and rationing are real costs, although difficult to measure. In contrast, the costs of number pooling for the most part have already been incurred, since the nationwide mandatory thousands-block number pooling in the top 100 MSAs has already been implemented. Delegating authority to the states for thousands-block number pooling will further extend the benefits that have already been provided.

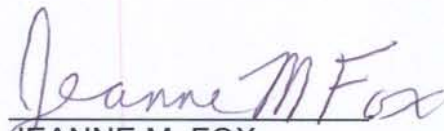
III. Conclusion

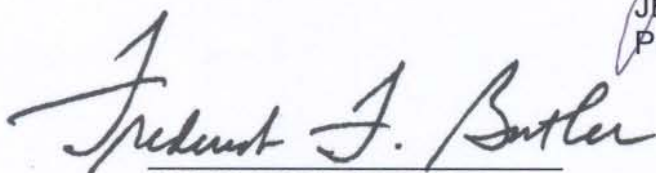
The Board strongly supports the delegation of authority to the states as discussed in the FNPRM, and agrees that mandatory thousands-block number pooling will permit the optimal use and availability of existing reserves. We acknowledge, however, that service provider and consumer needs shall ultimately determine the need for new area codes. The state commissions however, are in the best position to gauge the need for these measures, and the authority to use these measures should be delegated to each state. If delegated authority, the NJBPU will follow all FCC rules and regulations consistent with our current authority. Delegating authority to the states, as discussed in this rulemaking, would enable the states to implement mandatory pooling on a proactive basis assuring a smooth transition, rather than reacting to these uncertainties after they occur. Furthermore, this proposal goes a step further in extending the life of the North American Numbering Plan. The Board therefore, supports and urges its adoption.

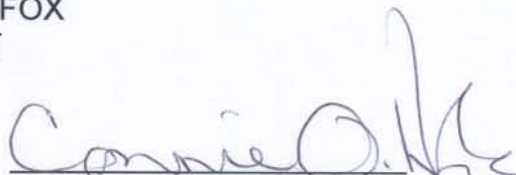
Respectfully submitted,

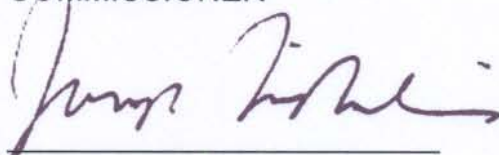
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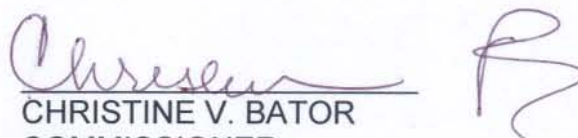
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